

REMARKS

In the Decision on Appeal mailed May 28, 2010, the Board sustained the Examiner's rejection of claim 44 under 35 U.S.C. §101 as non-statutory subject matter; did not sustain and thus reversed the Examiner's rejection of claims 22-25, 28-36, and 39-46 under 35 U.S.C. §103(a); reversed the Examiner's rejection of claims 26 and 37 under 35 U.S.C. §103(a); and reversed the Examiner's rejection of claims 27 and 38 under 35 U.S.C. §103(a). The Board found a new ground for the rejection of claim 22 under 35 U.S.C. §101 as not tied to a particular machine or apparatus and another new ground for the rejection of claim 43 under 35 U.S.C. § 112 as having undue breadth.

By this amendment, Applicants amend claims 22, 26, 27, 28, 31, 32, 33, 37, 39, 41, 42, 44, 45, and 46 to improve form (e.g., correcting the antecedent basis of those claims). Moreover, Applicants amend claim 22 to tie the method to a "physical device"; amend claim 44 to make clear that claim 44 is not abstract and thus patent eligible under 35 U.S.C. §101; cancel claim 43 without prejudice or disclaimer; and add new claim 47 to claim subject matter to which Applicants are entitled.

Claims 22-42 and 44-47 are currently pending.

Regarding the rejection of claim 44 under 35 U.S.C. §101 as non-statutory subject matter, Applicants submit that the amendments to claim 1 obviate the basis of the rejection (e.g., adding a recitation to a "physical device").

Regarding the rejection of claim 22 under 35 U.S.C. §101, Applicants submit that the amendments to claim 1 obviate the basis of the rejection (e.g., adding a recitation to a "physical device").


Regarding the rejection of claim 43 under 35 U.S.C. §112 as having undue breadth, Applicants have canceled claim 43 to expedite allowance, even though Applicants disagree with the propriety of the rejection.

Applicants file herewith a Request for Continued Examination and submit that pending claims 22-42 and 44-47 are in immediate condition for allowance by virtue of the Decision on Appeal and the amendments made in the listing of claims above.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. Authorization for a credit card payment of the additional claim fees is submitted herewith. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, reference No. 39700-547C01US/NC15922US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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